

## NEW-JERSEY ITEMS.

Prof. Youmans has lately concluded a series of very interesting Lectures on Chemistry in Paterson for the Educational Association of that place. To-night, we understand, he will lecture in the same city on the Scientific Basis of Prohibition for the Washington Temperance Society.

**THE RECORDER'S REPORT.**—The Report made by Recorder Carter of the business of his Court during the months of November, December and January, is as follows:

Nov. Dec. Jan. Total  
Committed to the City Prison... 23 30 12 70  
Committed to the County Jail... 19 8 5 32  
Fined \$2 each... 19 5 18 32  
Discharged... 5 3 3 11  
Total arrests... 71 49 36 156

To visiting the city ordinances in relation to laws and taxes, one person was fined in November \$20, and one in January \$10.

The amount of fines during the three months was... \$161.

Amounts from fines paid to the City Treasury by the Recorder during the six months previous to November... 1,222

Total amount... \$1,323.

**THE POLICE ORDINANCE.**—The new Police ordinance, passed by the Hoboken Council at its last meeting, provides for the appointment, upon the nomination of the Mayor or any Councilman, of one or more police commissioners to be constituted either a day or two after the public interests require it; and that the Council may from time to time discharge, dismiss or increase the police force provided it does not exceed six men. Power is given to the Commissioner to make such appointments in extraordinary cases when want of service makes it difficult, except for trivial neglect of duty or for misconduct in office, unless ten days notice is given of his dismissal, at the end of which period no compensation is due him. He may be dismissed by ten days notice written from the Council, without any cause being assigned. This ordinance is designated as a substitute for the one adopted in June, 1855.

## LAW INTELLIGENCE.

### SUPREME COURT—FEB. 25.

### THE DISPUTED JUDGESHIP.

Two steps were taken on Monday, which tend to complicate matters.

In the case of Chas. C. Duncan, &c., agt. Isaac Preble, Judge Clerk, on motion, vacated an order of arrest, which had been granted by Mr. Davies, saying that he was no Judge de facto of the Supreme Court.

In the examination of applicants for admission to the Bar, Mr. Peabody presided, and as such examination is required to be in open Court, the question of Judge or no Judge is a serious one for twenty-three young aspirants. But as appears by the annexed report, Mr. Davies is going on hearing and deciding motions, which are duly entered by the Clerks; and it is to be noted that both he and Mr. Peabody continue to sit at General Term.

SPECIAL TERM—FEB. 25.—Before JUDGE CLERKE.

HABEAS CORPUS.

In the matter of Tobias O'Connor.

John O'Connor had applied to the Juvenile Asylum on the behalf of an older brother, for not attending school. On application of his father, he was discharged.

Morris Wilson agt. H. M. Colly Agt.

Motion denied, unless defendant consent that he be forthwith committed to the State Hospital.

Sampson Simon, agt. Bridget Alexander, &c.—Motion denied. Before Judge ROOSEVELT.

Junius S. Lewis agt. Walter R. Jones, &c.—Order to be withdrawn in accordance with decision.

Conrad Bellinger agt. Wm. A. Gardiner.—Motion to discharge defendant, without costs.

TOMES MARRIAGES.

New Kidney agt. Mary Kindred.

In this case, as found by the Referee, are as follows: In August, 1855, defendant, then known as Mary Calley, complained against plaintiff before Michael Connolly, Police Justice, charging him with seducing her from his promise of marriage. Upon this complaint Kidney was arrested and committed to the County Jail. Plaintiff then brought suit for examination before the same Justice. No counsel was assigned him and he was in no way instructed as to his legal rights. After having been interrogated as to the charge, in answer to which he said he had no right to be examined, he was told that he would marry defendant. At first he declined, but after a few words with the magistrate, assented and the parties were married forthwith by Justice Connolly. Plaintiff then brought suit for damages for plaintiff's intimidation and in fear of a further confinement. This marriage had not been followed by cohabitation, and subsequent wedlock has been proven against the defendant.

In the case of Mrs. Anna D. Darrow, declassified by the Referee, detailing the marriage between plaintiff and defendant, celebrated by and before the Police Magistrate in August, 1855, null and void.

SUPERIOR COURT—GENERAL TERM—Feb. 23.—Present all the Judges except Justice SLOSSON.

DECISIONS AND OPINIONS.

Charles Burrill agt. Wm. H. Dragoon.

Action against an inholder of a note. Several defenses are set up.

1. Not in the perfect title in the plaintiff is set up in the complaint. The making, indorsement and delivery of it are asserted, and what more are necessary?

The answer sets up many, and therefore prays for cancellation of the title.

It is contended that part of the answer is in the nature of a counter claim, and as such to be taken as admitted, if not rejected. But a party is entitled to either take the defense or an answer, and can set up no counter claim, and they can scarcely be both at once. In this case the allegation of usury, if proved, was a complete defense. If the note was avoided for usury there was an end of the matter; and it is difficult to see how it can produce the double effect contended for.

3. The objection as to proof of demand of payment came too late. It was not raised till the conclusion of the case, and might have been answered.

4. The answer such satisfactory evidence of usury as to preclude the Court from saying that plaintiff was entitled to judgment for plaintiff affirmed.

Same—That \$900 only was paid for a note of \$1000 does not preclude plaintiff from recovering the whole face of the note.

Evariste Texier agt. Theodore Gowin, &c.

This case comes up in an unusual manner. It was an action on a note of hand against the maker and indorser. The trial of this cause was abandoned, and an entirely new one, viz: payment set up. On the trial the presiding Judge (Oakley, C. J.) thought that the parties were prepared for this question, and allowed the parties to go into the answer, which was given by the insertion of an allegation of payment. Verdict was rendered for defendant. Plaintiff now moves for a new trial on the ground of surprise, and supports his motion by affidavit of counsel, to which no reply is made.

McKENNA—On Monday, Feb. 23, after a short but severe illness, Mrs. R. BECCA HURLEY, in the 39th year of her age, died.

CONNOR—Of scurvy fever, THOMAS CONNOR, infant son of James E. and Helen F. Conner, aged 9 years and 10 months.

The relatives and friends of the family are respectfully invited to attend her funeral, without further invitation, on Wednesday afternoon, 27th February, at 3 o'clock, from the residence of his parents, No. 24 West Seventeenth street.

FROST—On Monday, Feb. 25, after a short illness, age 17 years, J. M. AUGUSTUS, the only son of Chas. L. Campbell, Jr.

The relatives and friends of the family are respectfully invited to attend the funeral on Wednesday afternoon, the 27th, at 3 o'clock, from the residence of his parents, No. 100 Clinton street, New Haven.

HUBLEY—In this city, on Monday, Feb. 22, after a short but severe illness, Mrs. R. BECCA HURLEY, in the 39th year of her age, died.

STARLING—On Monday afternoon, Feb. 23, after a short illness, MARIA, daughter of Lyne and Maria A. Starling, aged 10 years and 3 months.

Her friends and those of her teachers, at Mrs. Gibson's School, and the friends of the family are requested, without further notice, to attend her funeral this (Tuesday) afternoon at 3 o'clock, at the residence of her father, No. 40 West Nineteenth street.

WOOD—A South Norwalk, Conn., on Friday Feb. 22, in the 22d year of his age, W. B. GOOD.

Funeral services to be held at 2 o'clock.

Newark and Philadelphia papers please copy.

Julian Allen agt. Chas. A. Haskins.

Appeal from Judgment of indictment for a new trial.

With which the note in the suit was delivered to an agent in New York for plaintiff to apply to sum, to which they failed to correspond, and claim consequential damages by way of recompence. The demurser is on the ground that the answer was not given in time, and that it should prove a full, definite and clear cause, whereas, under the rule, it should prove a partial, definite and clear cause of action, and that this is not a counter claim.

Whether the answer sets up the sale by sample correctly or not, is not before the Court. The question is, whether as far as the answer goes, it is a counter claim, and if so, what must be proved. The termination of the action in fact may be in issue, but want of probable cause and malice; malice may be inferred from the answer, but it may not. It is not a necessary inference.

Nov. 20—Costs to state the event.

Fred. M. Kelly agt. Francis Upton.—Judgment modified. New trial on payment by plaintiff of costs of trial, amount, &c.

Isaac L. Hunt agt. Calvin Woodward.—Judgment affirmed.

Alexander T. Stewart agt. Henry H. Moragne.—Judgment affirmed with costs.

Adolph Goldfinck agt. Wm. J. Slingerland, &c.—New trial ordered. Costs to abide event.

Albert Birdsell agt. Israel J. Solomon, &c.—Judgment affirmed.

Chas. A. Fowler agt. John Magher, &c.—Report of referee with costs.

Wm. H. Parsons vs. John Orser, Sheriff.—Judgment reversed. New trial ordered. Costs to abide event.

Caleb D. Gildersleeve vs. Jas. Mahony and others. Judgment affirmed with costs.

Darwin Gevers vs. Lewis Pignolet. Judgment affirmed with costs.

Geo. F. Bunn vs. The Rutgers' Fire Insurance Company. Order for new trial denied.

Catherine Joles vs. Elihu L. Tucker. Cause remitted.

Julian Allen vs. Chas. A. Haskins. Order appealed from affirmed.

Horace L. Claffin vs. Nicholas Butterly and others. Judgment for plaintiff on verdict.

Walter H. Bidwill vs. Chas. Leatham. Judgment affirmed with costs.

Anastasius N. N. vs. Simon A. Lichtenstein.

C. S. Buchanan, &c., v. Elsworth Cheesborough. Verdict set aside, with liberty for plaintiff to apply for retrial, and for defendant to abide event.

Joseph Muir vs. Henry G. Glusman. Judgment of plaintiff affirmed with costs.

GENERAL TERM—FEB. 23.—Before

W. H. Turner, N. E. Thompson. Motion granted. An attorney has such an interest for costs as will prevail against the legal rights of parties.

SUPERIOR COURT—SPECIAL TERM—FEB. 23.—Before

Frederick W. Turner, N. E. Thompson. Motion denied.

Chas. D. Buttrill vs. Mathew Didier, and Austin B. Townsend vs. Mathew Didier. Motion granted. An attorney has such an interest for costs as will prevail against the legal rights of parties.

SPECIAL TERM—BEFORE Chief Justice OAKLEY.

Chas. D. Buttrill vs. Mathew Didier, and Austin B. Townsend. Motion granted.

Alfred W. Turner vs. N. E. Thompson. Motion denied.

Justice DAVIDES—In this case it appeared that plaintiff had been employed by plaintiff to make certain sales over the price of his agent and was to receive a commission of 10 per cent. on the Western Shares the market

cover some sum received plaintiff brings suit under § 2, rev. 179 of the Code, as an action for money received by the plaintiff while acting in a fiduciary capacity.

The facts are these:被告 was doing business for the Boston steamer, and rates of exchange are unchanged. Sterling, \$140.00, with few sales at the higher rate, France, \$120.00, with few sales at the lower rate, Spain, \$110.00, with few sales at the higher rate, and so on.

It is contended that the affidavit of Judge Mitchell, opinion of Judge, is not a sufficient cause of action, and that the court cannot be called to decide it.

In this respect defendant is in error. An Brady v. Pinell, 1 Abb. P. E. 76, Judge Hoffman.

SUPERIOR COURT—SPECIAL TERM—FEB. 23.—Before

Judge Hoffman.

AMES agt. Hubert, H. A. GRIESSON.—Motion denied without costs.

FRIEND agt. Gold.—Motion denied with costs.

RANDALL agt. Harrington, &c.—Order to be drawn by plaintiff's attorney and settled without costs.

COURT OF COMMON PLEAS—SPECIAL TERM—FEB. 23.—Before

Judge BRAKE.

STEPHENS, H. B., and A. GRIESSON.—Order of reference to Henry L. Loring.

NAT'L BANK H. B. HART agt. Robert Ross.—Motion to discharge, order of arrest denied with costs.

HEBREW EATON agt. Chas. Irving.—Order directing a writ of inquiry to be issued to the Sheriff to assess the amount of plaintiff's claim.

CHARLES BARTS agt. Francis P. &c.—Motion to set aside and vacate judgment granted on payment of costs.

Judge SHEPHERD agt. John H. DEAN.—Motion for attachment against defendant granted.

COURT CALENDAR.—THIS DAY.

SUPERIOR COURT—GENERAL TERM—Non-enclosed.

Supreme Court—Nos. 30, 34, 27, Arguments—Nos. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 2